

Chapter Trans 327 Motor Carrier Safety Frequently Asked Questions

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WI Department of Transportation

Effective July 29, 1996: Drivers of commercial motor vehicles (CMV) operating in **intrastate commerce** must meet the federal medical standards and present a valid federal medical card when they apply for a commercial driver license (CDL) unless they have been grandfathered or are exempt by federal or state law.

What is Interstate Commerce? Any trade, traffic, or transportation in the U.S. which is between a place in a State and a place outside of such State, or is between two places in a State, through another State or a place outside of the U.S. **Note:** Transportation with a CMV within state lines is considered interstate commerce if the origin and/or destination of the load crosses state lines.

What is Intrastate Commerce? Any trade, traffic, or transportation in any State which is not described in the term "interstate commerce."

Is there a simple definition of commerce? Everyone in a CMV is considered to be in commerce unless they are exempt (driving for a political subdivision or driving a school bus).

Who was grandfathered? Drivers who had a Wisconsin CDL prior to July 29, 1996. However, those drivers will lose their grandfathered status if their CDL is revoked on or after July 29, 1996.

What are the benefits of being grandfathered? Grandfathered drivers are not required to have a federal medical exam or meet federal medical standards to qualify for a CDL which allows driving in intrastate commerce. Grandfathered drivers must still meet the state CDL medical standards such as visual acuity of 20/60 in the best eye. However, if they don't meet the state medical standards, drivers are allowed to appeal to the Medical Review Board.

Can grandfathered status be transferred from one state to another? No.

Do CMV Drivers employed by a political subdivision need a federal medical card? No. Drivers employed by any political subdivision (federal, state, county, city, township or village) operating a CMV owned by the political subdivision are exempt from the federal standards.

Do school bus drivers employed by a school district or private contractor need the federal medical card? Drivers employed by a school district and driving a bus owned by the district are exempt from the federal standards. They may cross state lines to transport students between home and school or when driving for curricular or extracurricular activities and charter trips.

Drivers employed by a private contractor and driving a bus owned by the contractor are exempt from the federal standards while operating within Wisconsin and when crossing state lines to transport students between home and school. A valid federal medical card is required when operating across state lines for curricular or extracurricular activities and charter trips.

Are CMV drivers operating a passenger bus exempt from federal medical standards? No. Drivers needing a "P" endorsement who do not have the federal medical card and are not grandfathered will be issued a license with two restrictions ("No CMV Operation in Interstate Commerce" and "No CMV Operation in Intrastate Commerce unless Exempt by State or Federal Law").

For drivers needing a “P” endorsement, such as those driving buses owned by a municipality (which is exempt), having both restrictions is fine. For those driving buses for a private human service agency (which is not exempt), “No CMV Operation in Interstate Commerce” and “No CMV Operation in Intrastate Commerce” restrictions will not be acceptable and they will need to present the federal medical card, unless grandfathered, to avoid these restrictions. Drivers must know the type of operation involved to determine if they need a federal medical card.

Can drivers with an instruction permit (CDLI) with a “P” endorsement, practice operating a school bus without a federal medical card? Yes, they may practice in the school bus when accompanied by a qualified instructor or a properly licensed person 21 years of age or older who holds a valid license authorizing passenger vehicle operation. However, they may not transport passengers.

Can drivers with a commercial instruction permit (CDLI) practice operating a truck without a federal medical card? No, if the vehicle is owned by a commercial driving school or an employer who is not a political subdivision.

Yes, if the vehicle is owned by a Wisconsin Technical College or an employer who is a political subdivision.

What happens to drivers who don’t pass a vision test, yet have a federal medical card? They will be referred to a vision or other appropriate medical specialist. If issuance continues, the license will have the “No CMV Operation in Interstate Commerce” restriction and, if the driver is not grandfathered, the “No CMV Operation in Intrastate Commerce” restriction.

What type of driving can drivers perform if they were not grandfathered and do not have a federal medical card?

They can drive for exempt groups (political subdivision or school districts, if they meet the Wisconsin school bus driver standards or are approved by the Medical Review Board).

Do drivers age 18, 19, and 20 need a federal medical card? Yes, if they wish to operate a CMV in intrastate commerce and have not been grandfathered or are not exempt by federal or state law. If they present a federal medical card their CDL will be issued with the “No CMV Operation in Interstate Commerce” restriction because federal law does not permit a person under age 21 to operate a CMV in interstate commerce.

Who can appeal to the Medical Review Board? Drivers who are grandfathered may appeal to the board for intrastate driving. Also, new drivers who plan to drive for the exempt groups (political subdivision or school districts) may also appeal to the board. The board cannot make any exceptions to the federal standards. Any person who is required to have a federal medical card may not appeal to the board.

If not grandfathered, can a person with insulin dependent diabetes get a CDL for intrastate driving? Yes, if they file with the DMV Medical Review Unit, two satisfactory medical reports from two physicians. They will be issued a CDL with restrictions, “No CMV Operation in Interstate Commerce” and “No CMV Operation in Intrastate Commerce Unless Exempt by State or Federal Law”. They will also get a letter to carry, while operating a CMV, that states they have qualified for this exemption.

Other Questions? Call 608-266-2327 or 608-266-0428.